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 Director of the U.S. Patent & Trademark Office
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 Alexandria, VA 22313-1450

**REPORT ON THE
 FILING OR DETERMINATION OF AN
 ACTION REGARDING A PATENT OR
 TRADEMARK**

In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been

filed in the U.S. District Court Northern District of California on the following Patents or Trademarks:

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
CV 08-02919 PVT	6/12/2008	280 Sorth First, Str. Rm 2112, San Jose, CA 95112
PLAINTIFF AEROSCOUT, INC.		DEFENDANT SAVI TECHNOLOGY, INC.
PATENT OR TRADEMARK NO.		HOLDER OF PATENT OR TRADEMARK
1 6,542,114		SEE ATTACHED DOCUMENT
2 6,720,888		
3 6,765,484		
4 6,940,392		
5		

In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY	<input type="checkbox"/> Amendment	<input type="checkbox"/> Answer	<input type="checkbox"/> Cross Bill	<input type="checkbox"/> Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK			
1					
2					
3					
4					
5					

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE
Richard W. Wicking	Betty Walton	June 12, 2008

COPY

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ADK

8
9
10 AEROSCAT, INC.,

11 Plaintiff,

12 vs.

13 SAVI TECHNOLOGY, INC.,

14 Defendant.

15 C 08 Case No. 02919

16 COMPLAINT FOR
17 DECLARATORY JUDGMENT

18 JURY TRIAL DEMANDED

PVT

19 Plaintiff AeroScout, Inc. ("AeroScout"), for its Complaint for Declaratory Judgment
20 against defendant Savi Technology, Inc. ("Savi" or "Defendant"), alleges as follows:

21 **NATURE OF ACTION**

22 1. This action arises under the laws of the United States and, in particular, Title 35 of
23 the United States Code. Defendant has asserted rights under U.S. Patent Nos. 6,542,114 ("the
24 '114 patent"), 6,720,888 ("the '888 patent"), 6,765,484 ("the '484 patent") and 6,940,392 ("the
25 '392 patent") (collectively the "patents-in-suit") based on certain of AeroScout's ongoing
26 activities. AeroScout contends that it has the right to engage in such activities without the need
27 for a license from Defendant. AeroScout thus seeks a declaration that it does not infringe the
28 patents-in-suit and/or that the patents-in-suit are invalid.

THE PARTIES

2. AeroScout is the market leader in “Unified Asset Visibility” (“UAV”) solutions. The company’s products accurately locate and monitor assets and people over standard Wi-Fi networks to improve and automate business processes. AeroScout’s global customer base includes many of the Fortune 500 and the world’s leading hospitals. The company is a Delaware corporation with its headquarters and principal place of business located in Redwood City, California.

3. Savi is a California corporation with its principal place of business located in Sunnyvale, California.

JURISDICTION AND VENUE

4. This civil action regarding allegations of patent infringement and validity arises under Title 35 of the United States Code. AeroScout seeks a declaration that it does not infringe any of the patents-in-suit and/or the patents-in-suit are invalid. The Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§1331, 1338, 2201 and 2202.

5. An actual controversy exists between AeroScout and Savi through Savi's assertion of rights under the patents-in-suit based on certain of AeroScout's ongoing activities

6. AeroScout contends that it has the right to make, use, sell or offer to sell its products in the United States, or import them into the United States, including its UAV solutions and products, without license from Savi under any of the patents-in-suit.

7. Savi is a California corporation and its principal place of business is in this judicial district, conferring personal jurisdiction over Savi.

8. Because Savi's principal place of business is within this District, venue is proper here under 28 U.S.C. §§ 1391(b)-(c) and 1400(b).

INTRADISTRICT ASSIGNMENT

9. This is an intellectual property action subject to district-wide assignment under Local Rule 3-2(c).

FACTUAL BACKGROUND

10. Savi contends on its website (at www.savi.com) and in press releases that "it is a proven leader in RFID solutions for the management and security of supply chain assets, shipments and consignments."

11. The '114 patent is entitled "Method and apparatus for tracking items using dual frequency tags." The face of the '114 patent states that it issued on April 1, 2003 and was assigned by the named inventors to Savi. A true and correct copy of the '114 patent is attached as Exhibit A. Savi claims ownership of all right, title and interest in and to the '114 patent and contends that the patent is valid.

12. The '888 patent is entitled "Method and apparatus for tracking mobile devices using tags." The face of the '114 patent states that it issued on April 13, 2004 and was assigned by the named inventors to Savi. A true and correct copy of the '888 patent is attached as Exhibit B. Savi claims ownership of all right, title and interest in and to the '888 patent and contends that the patent is valid.

13. The '484 patent is entitled "Method and apparatus for supplying commands to a tag." The face of the '484 patent states that it issued on July 20, 2004 and was assigned by the named inventors to Savi. A true and correct copy of the '484 patent is attached as Exhibit C. Savi claims ownership of all right, title and interest in and to the '484 patent and contends that the patent is valid.

14. The '392 patent is entitled "Method and apparatus for varying signals transmitted by a tag." The face of the '392 patent states that it issued on September 6, 2005 and was assigned by the named inventors to Savi. A true and correct copy of the '392 patent is attached as Exhibit D. Savi claims ownership of all right, title and interest in and to the '392 patent and contends that the patent is valid.

15. Savi contends that AeroScout products that are made, used, sold or offered for sale in the United States, or that are imported into the United States, infringe the claims of the patents-in-suit. AeroScout denies Savi's contentions. AeroScout contends that any relevant claims of the patents-in-suit are invalid and/or that AeroScout products do not directly or indirectly infringe

1 any claim of the patents-in-suit (to the extent any such claims are valid). An actual controversy
2 thus exists as to whether AeroScout's manufacture, use, sale or offers to sale or importation of its
3 products—including, without limitation, AeroScout's Wi-Fi based Active RFID tags and related
4 systems—infringes any valid and enforceable claim of the patents-in-suit. Absent a declaration
5 of noninfringement and/or invalidity, Savi will continue to wrongfully assert the patents-in-suit
6 against AeroScout, causing AeroScout irreparable harm.

7 **FIRST CLAIM FOR RELIEF**

8 **(Declaratory Judgment of Noninfringement of the '114 Patent)**

9 16. AeroScout incorporates by reference its allegations contained in paragraphs 1
10 through 15 as though fully set forth here.

11 17. As set forth above, an actual controversy exists as to whether AeroScout's accused
12 products infringe any valid and enforceable claims of the '114 patent.

13 18. AeroScout seeks and is entitled to a judgment that it has not infringed and is not
14 infringing, whether directly or indirectly, any claim of the '114 patent.

15 **SECOND CLAIM FOR RELIEF**

16 **(Declaratory Judgment of Invalidity of the '114 Patent)**

17 19. AeroScout incorporates by reference its allegations contained in paragraphs 1
18 through 15 as though fully set forth here.

19 20. As set forth above, an actual controversy exists as to whether any claims of the
20 '114 patent are valid.

21 21. AeroScout seeks and is entitled to a judgment that the claims of the '114 patent are
22 invalid.

23 **THIRD CLAIM FOR RELIEF**

24 **(Declaratory Judgment of Noninfringement of the '888 Patent)**

25 22. AeroScout incorporates by reference its allegations contained in paragraphs 1
26 through 15 as though fully set forth here.

27 23. As set forth above, an actual controversy exists as to whether AeroScout's accused
28 products infringe any valid and enforceable claims of the '888 patent.

24. AeroScout seeks and is entitled to a judgment that it has not infringed and is not infringing, whether directly or indirectly, any claim of the '888 patent.

FOURTH CLAIM FOR RELIEF

(Declaratory Judgment of Invalidity of the '888 Patent)

25. AeroScout incorporates by reference its allegations contained in paragraphs 1 through 15 as though fully set forth here.

26. As set forth above, an actual controversy exists as to whether any claims of the '888 patent are valid.

27. AeroScout seeks and is entitled to a judgment that the claims of the '888 patent are invalid.

FIFTH CLAIM FOR RELIEF

(Declaratory Judgment of Noninfringement of the '484 Patent)

28. AeroScout incorporates by reference its allegations contained in paragraphs 1 through 15 as though fully set forth here.

29. As set forth above, an actual controversy exists as to whether AeroScout's accused products infringe any valid and enforceable claims of the '484 patent.

30. AeroScout seeks and is entitled to a judgment that it has not infringed and is not infringing, whether directly or indirectly, any claim of the '484 patent.

SIXTH CLAIM FOR RELIEF

(Declaratory Judgment of Invalidity of the '484 Patent)

31. AeroScout incorporates by reference its allegations contained in paragraphs 1 through 15 as though fully set forth here.

32. As set forth above, an actual controversy exists as to whether any claims of the '484 patent are valid.

33. AeroScout seeks and is entitled to a judgment that the claims of the '484 patent are invalid.

SEVENTH CLAIM FOR RELIEF

(Declaratory Judgment of Noninfringement of the '392 Patent)

34. AeroScout incorporates by reference its allegations contained in paragraphs 1 through 15 as though fully set forth here.

35. As set forth above, an actual controversy exists as to whether AeroScout's accused products infringe any valid and enforceable claims of the '392 patent.

36. AeroScout seeks and is entitled to a judgment that it has not infringed and is not infringing, whether directly or indirectly, any claim of the '392 patent.

EIGHT CLAIM FOR RELIEF

(Declaratory Judgment of Invalidity of the '114 Patent)

37. AeroScout incorporates by reference its allegations contained in paragraphs 1 through 15 as though fully set forth here.

38. As set forth above, an actual controversy exists as to whether any claims of the '392 patent are valid.

39. . . . AeroScout seeks and is entitled to a judgment that the claims of the '392 patent are invalid. }

PRAYER FOR RELIEF

WHEREFORE, AeroScout prays for a declaratory judgment against Savi as follows:

- (i) Judgment against Savi that AeroScout does not infringe the '114 patent;
- (ii) Judgment against Savi that any relevant claims of the '114 patent are invalid;
- (iii) Judgment against Savi that AeroScout does not infringe the '888 patent;
- (iv) Judgment against Savi that any relevant claims of the '888 patent are invalid;
- (v) Judgment against Savi that AeroScout does not infringe the '484 patent;
- (vi) Judgment against Savi that any relevant claims of the '484 patent are invalid;
- (vii) Judgment against Savi that AeroScout does not infringe the '392 patent;
- (viii) Judgment against Savi that any relevant claims of the '392 patent are invalid;
- (ix) A declaration that AeroScout's case against Savi is exceptional within the meaning

- (x) An award of AeroScout's and attorneys' fees incurred in this action; and
- (xi) Such other and further relief as the Court deems reasonable and just.

DEMAND FOR JURY TRIAL

Plaintiff respectfully demands a trial by jury of all issues so triable.

Dated: June 12, 2008

SQUIRE, SANDERS & DEMPSEY L.L.P.

By: 
David S. Elkins

David S. Elkins

Attorneys for Plaintiff AEROScout, Inc.

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